

REFS-63-0117

E.R-63-365

OGC 63-0049

Bldg & Gr 3-1  
(General)

10 JUL 1963

OGC Has Reviewed

**MEMORANDUM FOR:** Deputy Director of Central Intelligence

**THROUGH:** Deputy Director (Support) *By SKM 13 Jan 63*

**SUBJECT:** McLean Fire Department, Inc. - Contract

1. This memorandum contains a recommendation in paragraph 6 for approval by the Deputy Director of Central Intelligence.

2. The attached contract for ambulance service (Tab A) is brought forward for your information and approval in view of the congressional interest (Tab B) in this matter and the general problem of public relations.

3. The background of this contract is as follows. Dependable ambulance service for the CIA headquarters installation was an integral part of the medical program in planning for the move to headquarters. To this end, the Medical Staff put in its budget provision for acquisition of an ambulance by the Agency and operation of such ambulance on a 24-hour basis. Further review was made to see whether a more economical method of providing service could be arranged. McLean Fire Department, Inc. has been responding to calls for ambulance service, but this is on a strictly voluntary basis as they have no obligation to provide such service and could refuse it at any time with no recourse on the part of the Agency. This removes one essential element of dependability.

4. The attached contract for a modest fee requires them to provide the service as required by the Agency. This then provides the service at a cost far less than the acquisition and operation by the Agency of its own ambulance. AEC has a similar problem at its Germantown installation. The local volunteer groups are not equipped to provide what is needed so AEC has acquired a "surplus" ambulance from the Department of Defense and keeps drivers available on a 24-hour basis. Maintenance is performed by the General Services Administration. While this does not show any

direct expenditure of funds, nevertheless the cost to the Government is inherently greater and AEC has informally told us that they would prefer a similar contract method if it were available.

6. I recommend that the attached contract be implemented.

FOIAB5

LAWRENCE R. HOUSTON  
General Counsel

Attachments  
Tabs A & B

The recommendation in  
paragraph 6 is approved

*/s/*  
MARSHALL S. CARTER  
Lieutenant General, USA  
Deputy Director

19 JAN 1963

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Date

OGC:LRH:jeb

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DD/6 62-5532  
SEC 12-2997

21 NOV 1962

MEMORANDUM FOR: Deputy Director (Support)

SUBJECT: Reimbursement for Services, McLean Fire  
Department

1. This memorandum contains in paragraph 8 recommendations for the approval of the Deputy Director (Support).

2. The Chief of the McLean Fire Department has requested a donation from the Agency for services rendered the Agency by the McLean Fire Department, Incorporated.

3. The Chief of the Department has previously been informed that Comptroller General decisions have precluded Federal Government Departments from making payment by donation or otherwise to volunteer fire departments. (See 26 Comptroller General 382). The theory is that the volunteer fire department acts for the county in the discharge of the governmental function of affording fire protection. The Federal Government as a tenant in the county is legally entitled to such fire protection, and the Comptroller General has held that there is no authority to charge appropriated funds with the cost of fire protection or fire fighting services if the Government was already legally entitled thereto. (This was explained in some detail to Congressman Broyhill in letter of 13 July 1962, copy attached).

4. In keeping with your request to investigate further the basis of the request and possible solutions to the reimbursement or contribution problem, a meeting was scheduled with the Chief of the Department.

5. On 14 November 1962, a meeting was held between the Chief of the Department, the CIA Safety Officer and the Chief, Logistics Services Division, OL. Attached is a Memorandum of Conversation of statements made at the meeting. In summary:

a. The incorporated department operates under a charter issued by the State of Virginia.

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SUBJECT: Reimbursement for Services, McLean Fire Department

b. Its activities are supervised by a Fire Board or Commission. This Board is comprised of a representative or representatives of Fairfax County and a representative of each of the Volunteer Fire Departments located in Fairfax County.

c. Ambulance service is not included in the Fire Department's chartered activities.

d. Ambulance service is provided on a no-fee basis, but donations are accepted.

e. During the period 19 November 1961 through 14 November 1962, the McLean Fire Department, Incorporated, responded to 27 calls by CIA for ambulance service.

f. Fairfax volunteer fire departments do receive monetary assistance from Fairfax County funds. These funds are administered by the Fire Board.

6. The Comptroller General decisions are silent regarding the reimbursement for ambulance service. The decisions denying reimbursement for fire department service, of course, involve situations where no funds were specifically appropriated for such purposes.

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7. [ ] Assistant General Counsel, Office of Logistics, discussed this matter generally with Mr. John Moore, an attorney in the General Accounting Office who is considered to be the "expert" on the use of appropriated funds. Mr. Moore felt that the ambulance service is certainly distinguishable from that of fire protection inasmuch as there is no obligation to furnish ambulance service. Mr. Moore still had some reservations as to our right under Public Law 110 to pay for ambulance service and felt that prior to using appropriated funds for this purpose, the question should be submitted to the Comptroller General for an opinion. [ ] was non-committal, knowing that the whole Agency medical program had been cleared some years ago by Mr. Houston with Lyle Fisher, then General Counsel to the Comptroller General.

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8. In summary, my comments are as follows:


a. We would favor contributions by the Agency to the McLean Fire Department for ambulance service provided Mr. Houston concurs with this as being within the scope of the medical program as approved by the General Counsel to the Comptroller General.

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SUBJECT: Reimbursement for Services, McLean Fire Department

b. As to payment for fire protection, this is clearly contrary to the Comptroller General's rulings and I would not recommend it. A possible alternative would be to include a provision for this in the budget. However, it seems to me this would be a dangerous precedent and probably would not be received with favor, as it would open the door for federal contribution to local fire departments all over the country.

  
JAMES A. GARRISON  
Director of Logistics

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Attachments:

- A - Memorandum to Congressman  
Broyhill, dated 13 July 1962
- B - Memorandum of Conversation,  
dated 15 November 1962


CONCURRENCE:

21 Nov. 62  
Date

STAT

APPROVED:

21 Nov. 62  
Date

  
Assistant General Counsel,  
OL

L. K. WHITE  
Deputy Director  
(Support)

Distribution:

- Orig ☒ - OL/LSD, w/attach.
- 2 - DD/S, w/attach.
- 1 - OGC, w/attach. A
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- 1 - OL Files (Official),  
w/attach.
- 1 - OL/OGC, w/attach. A
- 1 - OL Suspense (withheld)
- 1 - D/L Chrono (withheld)

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OL/LSD/  
Rewritten

  
(21 Nov. 62)

ADMINISTRATIVE - INTERNAL USE ONLY

TAB

A



13 July 1962

Honorable Joel T. Broghill  
House of Representatives  
Washington 25, D. C.

Dear Mr. Broghill:

This is in reply to your letter of 29 June 1962 to Mr. McCone with regard to the possibility of furnishing assistance to the McLean Volunteer Fire Department.

We agree wholeheartedly that this fine organization has provided excellent service, both fire fighting equipment and use of ambulance, whenever the Central Intelligence Agency has had to call on it.

We have made a thorough search of our authorities in order to ascertain if a means exists by which this Agency might properly render financial assistance to the McLean Fire Department. We regret that we have found no such authorization. On the contrary, the Comptroller General, in a decision reported at 26 Comp. Gen. 382, prohibits the use of appropriated funds in payment for fire protection services provided the Federal Government by a local volunteer fire department. The situation there involved the Navy Department's proposal to contract with a Montgomery County Volunteer Fire Department for fire protection for its David Taylor Model Basin at Carderock, Maryland.

The Comptroller General's decision would appear to be in accord with your statement that the McLean Fire Department, under existing regulations, cannot and does not wish to charge for its services. We feel the decision would be no different in the case of a donation since a gift of Federal funds, regardless of the Comptroller General's decision, would require the specific authorization of the Congress.

We regret that we are unable to give you a more favorable reply and assure you that our failure to do so does not stem from a lack of appreciation of the services provided by the McLean Volunteer Fire Department.

We cannot, of course, state what the Secretary of Defense (Civil Defense) or the General Services Administration may or may not do to assist with the problem, pursuant to whatever special authorities they may have. However, we are following up on your letter with the request that all possible assistance be accorded the McLean Volunteer Fire Department consistent with their existing authority.

Sincerely,

/s/

Lawrence R. Houston  
General Counsel

TAB

B

**ADMINISTRATIVE - INTERNAL USE ONLY**  
CENTRAL INTELLIGENCE AGENCY

*Memorandum of Conversation*

DATE: 15 November 1962

SUBJECT : Reimbursement for Services, McLean  
STAT Fire Department

PARTICIPANTS: Chief, McLean Volunteer Fire Department, Incorporated  
[redacted] Office of Security  
[redacted] Office of Logistics

COPIES TO : Deputy Director (Support)  
[redacted] Office of Security

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1. On 14 November a meeting was held with the Chief, McLean Volunteer Fire Department to determine the relationship of fire service with ambulance service, the official relationship of the Fire Department to Fairfax County, the number of ambulance calls answered subsequent to 19 November 1961 and the amount of money the Chief of the Fire Department had in mind as a fair amount for reimbursement for services rendered CIA.

2. The Chief of the Department stated that he was operating under a charter issued by the State of Virginia. This charter applies to the Fire Department only and does not include ambulance service. Ambulance service was originated by the Women's Auxiliary of the McLean Volunteer Fire Department and was integrated as one of the services rendered by the Fire Department.

3. The official relationship of the Fire Department to the County is established through the County Fire Commission. This Commission regulates the activities

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SUBJECT: Reimbursement for Services, McLean  
Fire Department

of 19 volunteer fire units in Fairfax County. Fairfax County provides assistance to these 19 volunteer fire units out of local tax money. This assistance is primarily rendered through the assignment of full time County paid firemen to units on a selected basis. Estimates are submitted by the various fire units to the Fire Commission who determine requirements for inclusion in the Fairfax budget. As near as the undersigned could determine equipment expenditures are restricted to \$2,500 per year.

4. Apparently operating expenses to include gasoline, oil, and minor repairs are submitted by individual Departments to the Fire Commission for consolidation in the Fairfax budget. Monies are paid to Departments on the basis of requisitions submitted to the Fire Commission on a monthly basis subject to the approval of the Commission for payment. These payments are primarily for fire protection and do not relate to the upkeep of ambulance services.

5. The McLean Volunteer Fire Department responds to calls for ambulance service on a no fee basis. No set amounts are suggested as being applicable contributions. Their experience has shown that for those who do contribute for ambulance service generally pay from \$5.00 to \$25.00 with the average being about \$10.00.

6. In attempting to determine the number of ambulance calls received by the McLean Volunteer Fire Department from CIA the Chief estimated that since 19 November 1961 there had been some 20 calls for assistance. He will verify this by an actual count from his records.

7. In asking the Chief to give us some idea of what he considered to be a fair amount the Agency should pay the McLean Fire Department for services rendered, he answered that in his opinion a nominal amount would be \$10,000 annually for fire and ambulance services.


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SUBJECT: Reimbursement for Services, McLean  
Fire Department

8. He expressed the fact that he was unhappy over the publicity given to his request to the Agency for assistance and did not know who or how the newspapers were tipped off as to the negotiations with the Agency. He stated that the papers were continually after him, especially the County paper, for stories of the status of his request to the Agency for help. He further stated that he had been working for two years trying to obtain assistance in this matter dating back to the time when the building was first under construction. The undersigned assured him that we had not given up in trying to assist him, that we were most appreciative of the excellent service that the Department had rendered the Agency and that no specific time could be given as to when a decision will be reached re our ability to pay for the services rendered.

9. The meeting closed on a friendly note with the undersigned again voicing appreciation for services rendered and our continued efforts on his behalf. He stated that he had additional articles ready for publication. The undersigned comments re the articles was to the effect that we were in no position to tell him that he should not speak to the press but that obviously the nature of our work indicated that we should be kept out, as much as possible, of the press.

  
Chief, Logistics Services Division, OL

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